

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Kedria Watson

Case No. 2:23-cv-01505-JAD-DJA

Petitioner

v.

**Order Dismissing Habeas Petition as  
Untimely and Closing Case**

William Reubart, et al.,

Respondents

[ECF Nos. 8, 9]

On October 18, 2023, the court directed Petitioner Kedria Watson to show cause why this habeas action should not be dismissed with prejudice as time-barred under 28 U.S.C. § 2244(d) because it appeared that Watson filed this petition approximately ten years after the one-year statutory period expired.<sup>1</sup> Watson filed a timely response<sup>2</sup> to that show-cause order but fails to show cause. So I dismiss her petition as untimely.

In her response, Watson claims that she “was not aware of what constituted ineffective assistance of counsel,” and her “lawyers [were] ineffective for failing to make her aware of what the law really means.”<sup>3</sup> Unfortunately for Watson, ignorance of the law does not constitute an extraordinary circumstance that warrants equitable tolling of the statute of limitations.<sup>4</sup>

Watson also claims a fundamental miscarriage of justice because “she did not cause the

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<sup>1</sup> ECF No. 7.

<sup>2</sup> ECF No. 11

<sup>3</sup> *Id.* at 1.

<sup>4</sup> *Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006).

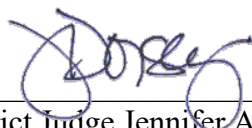
1 leg injury,” “took the victim to two doctor[s],” and “was never under investigation.”<sup>5</sup> A federal  
2 court may entertain an untimely claim if the petitioner makes a showing of actual innocence.<sup>6</sup>  
3 To qualify for the equitable exception to the timeliness bar based on actual innocence, however,  
4 the petitioner “must show that it is more likely than not that no reasonable juror would have  
5 convicted [her] in the light of the new evidence.”<sup>7</sup> Watson does not identify any new evidence  
6 that was not available at the time she entered her guilty plea.

7 Because Watson has failed to establish that she may be entitled to equitable tolling and  
8 has not disputed the time calculations set forth in my order to show cause, her petition must be  
9 dismissed as untimely under 28 U.S.C. § 2244(d). IT IS THEREFORE ORDERED that  
10 Watson’s habeas petition [ECF No. 8] is **DISMISSED** with prejudice as untimely. The Clerk of  
11 Court is directed to **ENTER JUDGMENT** accordingly and **CLOSE THIS CASE**.

12 IT IS FURTHER ORDERED that the petitioner is denied a certificate of appealability as  
13 jurists of reason would not find this decision debatable or incorrect.

14 IT IS FURTHER ORDERED that Watson’s motion for appointment of counsel  
15 [ECF No. 9] is **DENIED** as moot.

16 Dated: December 4, 2023

17   
18 U.S. District Judge Jennifer A. Dorsey  
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22 <sup>5</sup> ECF No. 11 at 2.

23 <sup>6</sup> *McQuiggin v. Perkins*, 569 U.S. 383, 386 (2013).

<sup>7</sup> *Id.* at 399 (quoting *Schlup v. Delo*, 513 U.S. 298, 327 (1995)).